

**Effective 5/12/2015**

**10-3b-504 Council in a metro township that is included in a municipal services district.**

- (1) The council in a metro township that is included in a municipal services district:
  - (a) exercises any executive or administrative power and performs or supervises the performance of any executive or administrative power, duty, or function that has not been given to the chair under Section 10-3b-503 unless the council removes that power, duty, or function from the chair in accordance with Subsection (2);
  - (b) may:
    - (i) subject to Subsections (1)(c) and (2), adopt an ordinance:
      - (A) removing from the chair any power, duty, or function of the chair; and
      - (B) reinstating to the chair any power, duty, or function previously removed under Subsection (1)(b)(i)(A); and
    - (ii) adopt an ordinance delegating to the chair any executive or administrative power, duty, or function that the council has under Subsection (1)(a); and
  - (c) may not remove from the chair or delegate:
    - (i) any of the chair's legislative or judicial powers or ceremonial functions;
    - (ii) the chair's position as chair of the council; or
    - (iii) any ex officio position that the chair holds.
- (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to the chair a power, duty, or function provided for in Section 10-3b-503 requires the affirmative vote of:
  - (a) the chair and a majority of all other council members; or
  - (b) all council members except the chair.
- (3) The metro township council of a metro township that is included in a municipal services district:
  - (a) shall:
    - (i) by ordinance, provide for the manner in which a subdivision is approved, disapproved, or otherwise regulated;
    - (ii) review municipal administration, and, subject to Subsection (5), pass ordinances;
    - (iii) perform all duties that the law imposes on the council; and
    - (iv) elect one of its members to be chair of the metro township and the chair of the council;
  - (b) may:
    - (i)
      - (A) notwithstanding Subsection (3)(c), appoint a committee of council members or citizens to conduct an investigation into an officer, department, or agency of the municipality, or any other matter relating to the welfare of the municipality; and
      - (B) delegate to an appointed committee powers of inquiry that the council considers necessary;
    - (ii) make and enforce any additional rule or regulation for the government of the council, the preservation of order, and the transaction of the council's business that the council considers necessary; and
    - (iii) subject to the limitations provided in Subsection (5), take any action allowed under Section 10-8-84 that is reasonably related to the safety, health, morals, and welfare of the metro township inhabitants; and
  - (c) may not:
    - (i) direct or request, other than in writing, the appointment of a person to or the removal of a person from an executive municipal office;
    - (ii) interfere in any way with an executive officer's performance of the officer's duties; or
    - (iii) publicly or privately give orders to a subordinate of the chair.

- (4) A member of a metro township council as described in this section may not have any other compensated employment with the metro township.
- (5) The council of a metro township that is included in a municipal services district may not adopt an ordinance or resolution that authorizes, provides, or otherwise governs a municipal service, as defined in Section 17B-2a-1102, that is provided by a municipal services district created under Title 17B, Chapter 2a, Part 11, Municipal Services District Act.

Repealed and Re-enacted by Chapter 352, 2015 General Session